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693 agencies, being subordinate only to the Procurator General, the latter is
642 responsible to the Grand National Assembly, and in the interim between its sessions, to the Presidium (Article 75).

• [671] The powers and functions of the Procurator General are specified by Law No. 6 of June 2, 1952, concerning the "Setting up and Organization of the Procuratura of the Rumanian People's Republic." The Procurator General has the right to take part, "with a consultative vote," in the meetings of the Presidium and of the Council of Ministers (Article 4). He is empowered to see to it that the decisions and rules issued by the central and local agencies of state power and administration conform with the laws of the country. Charged with the administration of justice, he supervises the activities of the agencies of penal investigation; he may ask for the dossier at any stage of the investigation, and has the right to "issue compulsory instructions with regard to the development of penal investigation and inquiry and to be present at any act of penal investigation or to carry it out himself" (Article 7, Paragraph a).

642 The Supreme Court, whose chief function is the supervision of the judicial
692 activities of all the courts (Article 72), is elected by the Grand National Assembly for a term of five years (Paragraph 1 of Article 67). The judges, theoretically independent and subject only to the law (Article 70), and the people's assessors are elected in accordance with the provisions of a special law (Paragraph 2 of Article 67). All judicial proceedings are conducted in the Rumanian language, with special provisions for the use of other languages in areas inhabited by compact groups of other nationalities or minorities. Persons not knowing the language in which the judicial proceedings are conducted are constitutionally guaranteed the right to acquaint themselves with the material of the case and the privilege to use their own language in the summation of their case (Article 68).

Unlike the Supreme Court of the United States, the Supreme Tribunal of the People's Republic of Rumania, like its Soviet counterpart, has no power of constitutional interpretation and is more of an auxiliary than an independent branch of government.

177. The constitutional provisions regarding the administration of justice, how-
69 ever "progressive" they may sound, conceal the true nature of the Marxist-
692 Leninist concept of justice, which has been adopted by the People's Republic of Rumania as well as by the other countries in the Soviet orbit. The modern principles of penal law (*"nullum crimen sine lege; nulla poena sine lege"*) applied and observed in all civilized countries, have been replaced by the concept of "class-justice." Marxist doctrinaires assert that the purpose of "proletarian class justice" is the maintenance of the regime of the dictatorship of the working class and the complete elimination of all "reactionary" and "anti-democratic" elements.

Although the principle of "class-justice" has not been embodied in the two Rumanian constitutions framed under the regime of popular democracy, it nevertheless has found clear expression in Law No. 5 passed by the Grand

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(the ruler) and members of the "Sfatul Tarii" (country's Assembly). In general, the Romanian Orthodox Church has been since the foundation of the "United Principalities" in 1859 considered the predominant church and had a prioity over other churches. This situation continued when the Kingdom of Romania was formed after 1866 (hereafter called Old Kingdom in contrast to Romania after 1919). Nevertheless, the religious practices of other churches were tolerated and undistrubed. The Romanian Orthodox Church did not consider itself universal, was not animated by any spirit of proselytism and was rather passive and tolerant towards other creeds and rites. For this reason and because of the small number of persons professing other religions in the Kingdom of Romania, the situation did not call for any special legislation on freedom of religion prior to World War I.

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## II. From World War I to the End of World War II

### 1. General Regime of Churches

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The necessity for special legislation regulating the status of churches other than the Romanian Orthodox has arisen after World War I.

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The Romanian Kingdom emerged after World War I with an enlarged territory. The newly incorporated provinces were hitherto governed by different laws. Bulgarian law prevailed in Banat and Maramuresh, the same law with some specific provisions was also in force on Transylvania; Austrian law was

175 in force in Bukovina and the Russian law, with some specific
●671 local rules, was in force in Bessarabia.

175 The population of the newly incorporated provinces was
162 predominantly Romanian but, in view of the long separation from the Old Kingdom, was somewhat different. Moreover, there were also other ethnological groups and a variety of churches and even sects.

The population of Transylvania and Banat, for instance, was divided mainly among the Roman Catholic and Protestant Churches. The population of Bukovina and Maramures was either of Catholic (Uniates) or Orthodox religion and had an important Jewish minority. In Bessarabia, in addition to the Eastern Orthodox Church, there was a real conglomerate of creeds and and rites, many of them originating back in the 17th century and subsequent reforms of the Russian Orthodox Church.

659 A new Constitution was adopted in 1923. It declared
[642] the principle of freedom of religion which needed to be developed in details and put into effect by special laws. This did not follow immediately but, instead, the Romanian Government carried out, in 1925, the unification and hierarchical reorganization of the Romanian Orthodox Church (see infra).

This step increased the pressure of the numerous other churches and rites practiced within the new frontiers. They intervened seeing that their status be defined and that their relations with the higher church authorities abroad, as well as with the Romanian State and the Orthodox Church, be settled by

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Article 25[1] provides that:

> "the Ministry of Religious Affairs shall suspend any decision, instruction or directive, as well as any order (of a church authority) having a church administrative, cultural, educational or a charitable character or pertaining to endowments if it is contrary to the status of the denomination, to the act of its establishment, to public security or public order or morals. The pastoral and circular letters shall be communicated in advance to the Ministry of Religious Affairs." (Italics supplied.)

The religious denominations and their endowments, associations, etc., must submit a full report on their financial situation for approval and verification by the Ministry of Religious Affairs. The law provides that the salaries of clergymen and the officers of the church shall be paid by the State. But, in contrast to the Law No. 1002 of 1936, Article 34 of the Decree No. 177 suggests that these persons are on the same footing with other government employees in all respects. This article reads:

Article 34

> Placing on the payroll of the clergymen and officers of the religious denominations shall be done according to the general rules.

The "general rules" of government employment referred to here (Code of Civil Service of 1946) makes clear that everybody who draws salary from the Government treasury enjoys all rights and has all of the duties of a governmental employee.

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Several provisions deal with the disposal of property of parishes where a part of the parishioners decided to choose

[1. Law No. 62, Article 25, 1948- Analyst]

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in particular the Roman Catholic Church, were already deprived of their funds. This was a result of practices supported by legal provisions.

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In the first place, it refers to land. Agricultural land still possessed by the church after the land reform of 1919 was in fact taken away in direct violation of the law.

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Article 8 of Law No. 187 of March 23, 1945, on agrarian reform provided that:

> "agricultural land belonging to monasteries, mitropolies, bishoprics, parishes as well as clerical endowments are excepted, from expropriation, and left in the ownership of the present title holders."

Likewise, certain categories of land, such as vineyards and forests, were generally exempted from expropriation. Nevertheless, most of Catholic landed property, including forests, vineyards, etc., were commandeered early in 1945 and thereafter seized by various "local committees" and, eventually, divided into small holdings. The remainder was seized in its entirety in February 1949 without compensation. This time the Government did not even take pains to issue a decree legalizing the actual seizure.

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The "Sacred Fund" of the Catholic Church (<u>see supra</u>) also lost its value. It was composed almost exclusively of governmental bonds and were given after 1919 to the religious Catholic bodies in Transylvania as compensation for estates expropriated at that time. The terrific inflation of 1944-1947, swept out their value. Then, just before the monetary stabilization of August 14, 1947 government bonds were compulsorily called in and paid for in inflated <u>lei</u>, only an insignificant part of which was exchanged after the monetary stabilization for new currency.

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accomplished by Decrees No. 175 and 176 (Official Gazette No. 177 of August 3, 1948). By Article 35 all denominational schools were taken over by the government. It reads as follows:

Decree No. 175 of 1948

Art. XXXV. All the denominational and private schools shall become governmental schools.

Decree No. 176 of 1948

Art. 1. For a better organization of the public education, as well as the expansion and democratization of the educational system, all personal and real properties that belonged to the churches, congregations, religious communities, non-profit organizations and trade corporations and, in general, to individuals or legal entities which were destined to serve as support...to denominational schools, are transferred to the government ownership and shall be used for educational needs.

This provision covers school buildings, dwelling for professors, boarding houses and students' homes, etc., as well as funds, estates, and legacies serving educational purposes. No compensation was to be paid for them. A list of over 2,000 denominational and private schools of all kinds, from kindergartens to colleges, which were thus expropriated, was attached to Decree No. 176. The provisions quoted make plain that no denominational school may be opened in the future which conclusion is supported by the fact that a subsequent Decree No. 177 of August 4, 1948 regulating the religious denominations does not mention the right of the church to open general schools. It deals with schools in Chapter VI but provides exclusively for divinity schools.

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These decrees affected especially the Roman Catholic Church to which belonged the majority of the denominational schools.

But the Decree No. 358 ( Official Gazette No. 281 of December 2, 1948 ) suggests that the Greek Catholic Church ceased to be a separate ecclesiastic body in Romania and there may be only separate parishes. The Order reads as follows: 659 715 [611]

Article 1

> Subsequent to reverting of the local Greek Catholic Parishes to the Romanian Orthodox Church and in conformity with the Article 13 of Decree 177/1948, its central organization and those provided by its Constitution shall cease to exist.

The Order says that the assets of the Greek Catholic Church shall become the property of the Romanian State, without any compensation, and shall be assigned partly or wholly to the Romanian Orthodox Church or to its various constituent parts. [425]

The Government obviously has made use of the provisions of Article 13 of the Law for Religious Denominations of 1948 to withdraw recognition from this church which, after the denunciation of the Concordat, lacked a definite status.

The wording of this article shows, beyond any doubt, that the Greek Catholic Church has been since July 1948 absorbed by the Romanian Orthodox Church by Administrative Order.

The fate of the Ukranian (Ruthenian) Uniate Church was different. The Concordat of 1927 provided for the establishment of this church of a separate diocese within the Roman Catholic Church with the seat to be designated later. It may be mentioned in this connection that the Uniate churches in Galicia and the northern part of Bukovina-now incorporated in the Soviet Uni[illegible]re declared united with the Russian Church

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of these institutions naturally became mere façades to conceal a much cruder reality. Party politics, for example, bore a very superficial resemblance to those of nineteenth-century England: two principal parties, the Liberals and the Conservatives, alternated in office. But the reality behind this two-party system was altogether different. Politics were based on a very narrow franchise,[30] the parties themselves tended to be coteries surrounding a dominant personality or family, and there were constant factions and party splits. Both the Conservatives and the Liberals obtained their support from the landowners, the principal distinction between them being that the Conservatives were usually the explicit spokesmen of the large agrarian interests, whereas the Liberals were increasingly interested in making Rumania a strong modern (i.e., commercial and industrial) state and held the controlling positions in the growing financial institutions.

In the field of law the Rumanians demonstrated what Dobrogeanu-Gherea correctly called a "mania for legislation." A flood of laws was continually being passed—elegantly rendered by men who had taken their law course at Paris—but with remarkably little effect. Some were inapplicable at the outset, few were administered properly, and most were soon forgotten by all concerned, with no effort made to examine their consequences. Other examples could be cited from the fields of public finance, civil rights, and the press to illustrate the abyss lying between political and constitutional forms and actual practice. The persistence of this dualism right up to the 1940's has undoubtedly had a corrupting effect upon Rumanian politics and society.

Notwithstanding these contradictions, which have struck all foreign observers in the past century, the very introduction of Western paraphernalia had certain important positive effects. A peasant who had been inducted, under universal conscription, into the army, who could read in the press (or have read to him) about agrarian disturbances in Sicily, Ireland, or Russia, or who heard the charges and countercharges of the political parties, however rhetorical these may have been—such a peasant was moving out of the closed circle of the village. This is evidenced in the active role played by ex-army sergeants, clerks, and schoolteachers in the 1907 uprising. Moreover, the mere existence of constitutional and legal devices, however inoperative they may have been, provided potential channels for change and increased the flexibility of the existing order. Thus, in spite of the fact that changes were apt to prove illusory rather than real,

30. A system of electoral colleges, rather like that of Prussia before 1918, assured a preponderant strength in the assembly to the landowners and the wealthy urban groups.

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are far too complex for inclusion here. Whatever the origins of the Transylvanian population, at the outbreak of the First World War the Rumanians constituted a majority of the inhabitants of this region; with the collapse of Austria-Hungary, the Transylvanian Rumanians, along with the other ethnic groups in the empire moved to break away. On October 12, 1918, the Rumanian National party of Transylvania drafted a resolution demanding the right of self-determination. A national assembly was called at Alba Iulia on December first and passed a resolution in favor of the union of all Rumanians. The basis of this union was to be:

1) full national liberty for all races;
2) full autonomy for all regions;
3) a democratic regime with general, direct, equal, and secret elections;
4) complete liberty of press, assembly, and association;
5) radical agrarian reform;
6) equitable conditions for industrial workers.

A Governing Council (*Consiliul Dirigent*), under Iuliu Maniu, was established as the temporary administration. The Treaty of Trianon assigned Transylvania and the adjacent regions of Maramureş, Crişana, and the Banat to Rumania.

Servile tenures had been abolished somewhat earlier in Transylvania than in the Old Kingdom, and the relative importance of medium properties reflected the generally higher level of cultivation. Nevertheless, there was a great disparity between large and small properties, a disparity intensified by the national question. The Rumanians were almost entirely peasants, and most of the large estates belonged to Hungarians. Reliable information, however, is lacking regarding the distribution of land either by size of property or by nationality; according to Hungarian critics of Rumanian statistics, no exact figures have ever been available for the land distribution in 1919 in the total area annexed by Rumania.[24] The Rumanians have claimed that they held only 24 per cent of the total area and that 98 per cent of the properties over 100 cadastral yokes (the yoke, used in Transylvania, equals .58 hectares) were held by non-Rumanians. While this claim may have been extreme, Hungarian sources grant that 87 per cent of the owners of properties exceeding 100 yokes were Magyars.

The project for the land reform, prepared in thirty-two sittings of the Governing Council, became a decree-law on September 12,

24. C. A. Macartney, *Hungary and Her Successors* (Oxford University Press, 1937), p. 316, n. 2.

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671 423 1919, and was subsequently ratified by the law of July 23, 1921. In Transylvania, where economic life was more advanced and extensive cereal cultivation played a less dominant role than in the Old Kingdom, the agrarian reform while radical in intent was more broadly conceived and had numerous exceptions and exemptions. It expropriated in full: estates of foreigners, estates of certain public and private institutions, estates which had been leased for more than twelve consecutive years, and any estate land of more than 500 cadastral yokes. Below 500 yokes, land was expropriated on a sliding scale down to an exempted minimum of 200 yokes. If, however, further land were needed, property below 200 yokes could be expropriated. Multiple holdings by one proprietor were considered one. The size of allotments was not fixed. The order of preference was determined primarily by war service rather than by land need, but peasants owning more than 5 yokes were not to receive land until other demands had been satisfied. The Transylvanian reform went beyond the others in its provisions for communal woodlands, which were not created for the Old Kingdom, Bessarabia, and Bucovina until a law for the expropriation of forests was passed in 1924. Compensation for expropriated land was subject to less rigid limits and the payment to the landowner was prompter. According to official statistics about 1,664,000 hectares were expropriated in Transylvania.[25]

423 The Rumanian land reforms, in the years 1918–21, did not, then, represent a unified program but varied considerably, depending upon geographical differences, previous agrarian conditions, and political circumstances. The reforms in Bessarabia and Transylvania reflected the more revolutionary spirit in those provinces; the complexities of the Transylvanian law and the attempt to relate it to the whole economy correspond to the generally higher level of Transylvanian agriculture and the presence of a nascent industry.

Notwithstanding these differences, however, which make it impossible to give a simple summary of the agrarian reform, the laws have certain common features: they were all based on expropriation in the "public interest" for the purpose of increasing peasant properties and communal pastures; although the decline of the leu in the 1920's almost destroyed the value of the compensation, the reforms were not planned as confiscations; and despite economic provisions of varying merit, the laws were not primarily economic reforms but social measures designed to appease the peasants' land hunger. More-

25. For further statistics on the effects of the reform in Transylvania see the Appendix.

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175 on well together, and it was generally believed that Brătianu had
665 forced the king to exclude Carol.

[661] Communal elections were held in February in an atmosphere of political excitement. The government, for all its electioneering techniques, did badly, especially in the larger towns. It won only one-third of the seats in the Bucarest municipal council. In Bessarabia the United Opposition won all lists. The government was defeated in most Transylvanian towns, notwithstanding its pact with the Magyar party; it won most of the rural Transylvanian communes through official pressure and the aid of the gendarmerie.

175 In March the Brătianu cabinet reached the end of its four-year
● 671 term. In the last session of parliament it passed a new electoral law,
666 whose unusual provisions were to make Rumanian elections even less representative of public opinion. Deputies had previously been elected on a proportional basis. According to the new act, modeled on Mussolini's law of January 7, 1923, the party gaining a plurality and at least 40 per cent of the votes was declared the majority party: it was to receive, as a premium, half the seats in the chamber plus a number of the remaining seats corresponding to its percentage of the total vote. Thus, a party gaining 40 per cent of the votes would occupy 70 per cent of the seats in the chamber (50 per cent plus two-fifths of the remaining 50 per cent). The remainder of the seats was divided proportionally among the other parties; a party failing to gain 2 per cent of the total votes obtained no representation.

According to the Liberals, there was nothing extraordinary about this law. A bill for electoral reform had been part of the Liberal program and had been stipulated in the 1923 Constitution.[19] In a country with such a multitude of unstable parties it might be argued that the "premium," as it was called, was a necessary device to give the party in office a sufficiently strong parliamentary majority to enable it to carry on its business.

Nevertheless, given the idiosyncrasies of Rumanian politics, the law had two very unfortunate effects. Since it was the practice for the crown to summon a government, which then proceeded to hold, or "make," elections with the aid of the administrative apparatus, the electoral law increased the opportunity for the selected group to swing the elections in its favor. On the other hand, the failure of a party obtaining less than 2 per cent of the votes to gain any repre-

19. According to Article 138 of the constitution, the current national assembly (i.e., the Liberal majority) could function after the promulgation of the constitution until the expiration of its mandate. During that period an electoral law was to be passed in accordance with the principles laid down in the constitution.

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sentation was a natural incentive for such parties to abandon the parliamentary track altogether. The timing of the law led the opposition parties to charge that it was merely part of the Liberals' plan of grooming General Averescu to replace them, since his party was obviously weak in popular support. There is no question that in 1924 and 1925 Averescu had not cooperated with the other opposition parties but had worked in some measure with the Liberals.

On March 27, 1926, Brătianu resigned amid rumors that he favored General Averescu as his successor. The opposition was still fumbling in its efforts to unite; negotiations between the Transylvanian Nationalists and the Peasant party had broken down again on March 22 over a disagreement on the distribution of cabinet posts. The king, on March 29, consulted the leaders of the Transylvanian National, Peasant, and People's parties and requested a coalition cabinet; apparently the Peasants and the Nationalists agreed. But on the following day, much to their chagrin, King Ferdinand called on General Averescu to form a government.

The reasons for the king's action are not altogether clear. The Nationalists and the Peasants had blundered in not mending their differences earlier and achieving a solid coalition. On the other hand, the king had been responsible for their dismissal in 1920 and was probably quite doubtful of their ability to govern properly and likely to accept the advice of Brătianu. Brătianu of course denied that his party had any agreement with General Averescu but his disclaimer is not convincing. "All we did," he said, "was to prepare the atmosphere in order to bring into power a government which would present a guarantee for the continuity of the work accomplished by us. Apart from this we are the declared opponents of the present government." [20] It was generally believed, and probably correctly, that Brătianu had strongly urged the king to install General Averescu.

Averescu held elections in May. The National party and the Peasants, still unable to achieve fusion, agreed to collaborate in the election. Despite the premium Averescu faced quite a task in overcoming his party's numerical weakness, but he acted resolutely and altogether successfully in one of the more outrageous Rumanian elections. Military officers on active service were appointed as prefects of a number of districts. Circulation of vehicles and persons was strictly controlled. The leaders of the opposition were unable to get in touch with their constituents; even Ion Brătianu was blocked on one trip, and Mihalache was arrested by gendarmes in his own electoral district. Gendarmes supervised public gatherings and were directed to intervene

20. *Times* (London), April 21, 1926.

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665 433 covered by this law were permitted to purchase public land at a discount, were exempted from duties on imported machinery, and received reduced transportation rates and cheap fuel. In 1923 the Liberals introduced a National Industrial Credit Association for the purpose of granting credit to manufacturers and of encouraging industrial development; the government owned 20 per cent of its stock, the National Bank 30 per cent, and private investors 50 per cent. Tariffs, as has been mentioned, were designed to protect industry from foreign competitors.

665 656 In their industrial activities the Liberals most clearly demonstrated their suspicion of foreign capital. This suspicion was nothing new. In the 1890's the Liberals, then in opposition, had led a successful campaign against granting concessions to the Standard Oil-Diskonto Gesellschaft consortium.[46] In the 1920's they maintained they were not hostile to foreign capital but would not be dominated by it. In 1923 Vintilă Brătianu protested to a foreign correspondent:

> It would be madness to suppose that we can develop the country without the help of foreign capital. We need it in every form to develop mineral resources, water power, and industry. We also require things which must be paid for in foreign money. But we want this capital to operate within the lines of a general policy which is approved of by the state and which accords to the interests of the country. We do not want the type of investor who comes to exploit the country simply to make money, but one who has a feeling for our national evolution and keeps our interests at heart. We want to be treated as an adult and not as a minor.[47]

● [671] Nevertheless, the Brătianus were accused both by the opposition in Rumania and by foreign investors of being economic xenophobes. The accusations are based largely on a series of four "nationalization" laws passed in 1924:[48] a law for the commercial exploitation of state enterprises (June 6, 1924), laws on water power (June 23) and other sources of energy (July 1), and a mining law (July 3).

These laws, which covered a wide range of industrial activities—hydroelectric power, natural gas, petroleum, mines, railroads, river navigation, postal services, telephones and telegraphs, and government monopolies—had generally the same provisions. Invested foreign capital in the enterprises could not exceed 40 per cent; the remaining 60 per cent was to be covered by state and private Rumanian

46. C. G. Rommenhöller, *Gross-Rumänien* (Berlin, 1926), p. 434.
47. *Times* (London), May 19, 1923.
48. A French text of these four laws is given in *L'Economiste roumain*, Nos. 2–6 (1924).

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in the way of concrete benefits. Liberal agrarian policy can be divided under two heads: measures taken in supplementing or amending the agrarian reforms and measures for the improvement of agriculture.

Of the land reforms, only that for Translyvania had provided for the expropriation of forest land. Article 132 of the 1923 Constitution approved the principle of expropriating forest land in the Old Kingdom, Bessarabia, and Bucovina for firewood and construction purposes. The law implementing this article was published on July 1, 1924. Where woodland was needed and was not available from state holdings, it could be expropriated from private owners leaving them a minimum of 100 hectares. Communal woodlands were to be created, the exploitation of which was to be under the control of the state.[54]

By the law of March 13, 1925, and the executive regulation of April 15, which abrogated Articles 120–124 of the 1921 law, the Liberals, to safeguard peasant holdings, considerably stiffened requirements for the sale and purchase of agricultural property. The state was given the right of preemption on lands received not only under the 1918–21 reforms but under earlier distributions of state domain. If this right were not exerted, purchases could be made only on the following conditions:

1. The purchaser was to be a Rumanian citizen, a cultivator of the land or a graduate of an agricultural school, and residing and working in the commune in which the holding was situated.

2. Holdings could be sold in minimum blocs of 2 hectares in the plains and 1 hectare in the hills.

3. Sales could be made only five years after their owner had received definite title to his property following full payment of its price.

4. The purchaser could not own more than 25 hectares of cultivated land, including the area to be purchased. Houses and gardens, up to one hectare, could not be mortgaged or sold; land up to 25 hectares could be mortgaged only to certain authorized institutions.

The detailed instructions in the accompanying administrative regulation made the act of sale quite complicated by requiring numerous forms, proofs of domicile, and evidence of proper ownership. While the Liberals did not make peasant land inalienable they did render the process of transfer slower and more difficult and extended the state's rights of preemption to a large proportion of peasant properties. This law was in harmony with the tight-laced spirit of the Liberals in 1924–25 and showed the same restrictive view of property as the mining law of 1924. Historically, the reversion toward inalien-

54. See Diaconescu, *Chestiunea țărănească în Romănia*, pp. 266–272, for analysis of the text of the law.

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423 665 656 241 671 ability was an aftermath of nearly all the land reform measures. It is characteristic of the liberalism of the Liberal party that it should have feared—though perhaps correctly—the consequences of free and uninhibited sales of land.[55]

665 241 The Liberals, in the law of April 14, 1925, instituted chambers of agriculture, modeled on the chambers of commerce, and united in a Union of Chambers of Agriculture. At first sight these organs appeared to have very important functions: to be the official representatives of agricultural interests, to give advice on agricultural legislation, to supervise agricultural schools, to collaborate with the administration in the application of laws, to improve livestock, to aid in the advancement of agricultural techniques, to prepare statistics, and to organize fairs. They were also to elect members to the senate.

Unhappily, the chambers accomplished very little. Their budgets depended upon the Ministry of Agriculture, and they were not supplied with sufficient funds to carry out the work delegated to them.[56] They were not even representative of the whole of the peasantry. Each chamber was composed of 17 elected members and 11 appointed functionaries. But since only proprietors with a minimum of 3 hectares of arable land, or tenants with 10 hectares were permitted to vote for members, a large percentage of the poor peasants was not represented at all.[57] (In 1930, 52 per cent of the peasant farms were of less than 3 hectares.) Worst of all, the chambers, with their right to elect senators, became hopelessly entangled in politics. Under the law creating them, the government could dissolve the chambers for serious irregularities or bad faith in the accomplishment of their legal work or for activities against the interests of the state. Inevitably, the chambers were repeatedly dissolved on any pretext for the purpose of facilitating the election of senators.

665 656 241 In May, 1928, the Liberals passed a law for the classification of cereals, designed to improve the quality of grain destined for export and to reduce the number of middlemen between producer and foreign consumer. There had been frequent complaints of the inferior quality of exported Rumanian grain and the presence of an excessive amount

55. In 1911 the Liberal program has spoken of the desirability of creating a medium property by natural selection, that is, by the purchase and sale of land. The 1924 law certainly represents a retreat from that position. On the other hand, as will be seen below, the National Peasants revised the 1925 law, for the purpose of permitting "natural selection," but with unfortunate results for the poorer peasants.

56. F. E. Manoliou, *La Reconstruction économique et financière de la Roumanie et les partis politiques* (Paris, 1931), p. 159.

57. Filip Chefner, "Camerile agricole in România," *M.A.B.: Bulletin du Bureau International Agraire*, 2 (1926), 36.

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665 firm the supposition that the principles of the Peasant party itself were unstable. The evolution traced here was to be carried even farther when the National Peasants came to power in 1928.

## *Economic and Agrarian Policy*

[113] A fair illustration of the economic interests of the National Peasant government is to be found in Virgil Madgearu's little book, *Rumania's New Economic Policy*, published in 1930. Of the 63 pages of text, 14 are devoted to agriculture, 22 to the exploitation of state enterprises and the reform of the mining law, ten to foreign trade policy, and eleven to the improvement of transport. The fact that the booklet was published in England and designed for foreign readers merely underlines the preoccupation with affairs other than agricultural. As has been seen, this broadening of interests was the result of the pressing demands of financial, monetary, and commercial matters in 1928–30, but also of the internal trend away from a purely agrarian outlook.

665 241 The most striking feature of the agrarian policy of the National Peasant government was the things it neglected to do or even to consider doing. While the party's attitude toward further redistribution of land had become increasingly moderate, nevertheless in 1926 the program of the united party called for expropriation of properties over 100 hectares. Not a step was taken toward carrying out this measure. To be sure, many reasons militated against such a move. Agriculture was still in the process of readjustment from the previous reforms. Expropriation would undoubtedly have caused a political furor since the mere passage of time was serving to consolidate the previous reform, with all its shortcomings and abuses. Moreover, since the 1917 act was entered in the constitution, it could be modified only by a constitutional amendment, which was forbidden under a regency. Quite obviously, however, the National Peasant party by 1928 was not the radical agrarian movement which had attempted to introduce the reform bill under the Vaida government of 1920.

A second omission was the failure to take any active steps toward the consolidation of peasant strips, a measure which was virtually a precondition for any effective improvement of agriculture. Again, this would have been unsettling and peasant support for this particular reform was by no means certain.

665 241 ●671 The only serious measure taken in connection with agricultural property relations was an act passed in 1929 which amended the Liberals' law of 1925 concerning the alienation of allotments obtained

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through the agrarian reforms.[45] The new law, which was designed to facilitate the transfer of land and to further a "process of selection among the peasant cultivators," abolished certain of the restrictions and delays imposed by the Liberals and greatly simplified the procedure of sale, although maintaining safeguards to keep land in the hands of actual cultivators and limiting purchases to Rumanian citizens having not over 25 hectares of land.

The idea that a "process of selection" would enable peasants with "superior competitive efficiency" to create prosperous holdings has had considerable popularity not only in Rumania but in other eastern European states.[46] For such a process to have beneficial consequences, however, it is necessary, first, that superior efficiency on tiny holdings will actually result in sufficient capital accumulation to buy out less efficient peasants, and, second, that the peasants displaced in the process have some alternative means of employment. Otherwise the poorer peasants would be reduced to a landless proletariat and the land taken over by the wealthier peasants. Such seems to have been the effect of the National Peasants' law, although it was not the sole cause; the survey of sixty Rumanian villages made in 1938 reported that the law of 1929 had intensified the differentiation in the peasantry by building up the category of middle peasants on the one hand and of increasing the agricultural proletariat on the other.[47] It was this law perhaps more than any other single act which gave

45. See above, p. 125.

46. Wilbert E. Moore, *Economic Demography of Eastern and Southern Europe*, p. 105, cites a Greek author (C. Evelpedis, *La Réforme agraire en Grèce*, Athens, 1926), as an advocate of this view. In Rumania the alienation of peasant property has had a tangled political history in which at one time or another almost all political parties have reversed their positions. Up to the 1918–21 reforms, official policy tended toward inalienability, whereas the older reformers, such as Dobrogeanu-Gherea and Garoflid, demanded alienation as a necessary step to creating an independent peasantry. The Liberals in 1911 came out for a "process of selection," but in 1925 they restricted the transfer of land. The Peasant party, on the contrary, in 1921 was for government control of all sales, whereas in 1929 it moved toward freer purchase. The Communists, it may be added, roundly condemned the National Peasants for their 1929 law, but Lenin, in his agrarian writings before the Russian revolution, was strongly for alienation. The Communist position is seen in Pătrăşcanu's interpretation of the 1929 law: "From the point of view of opening a way for capitalism in the villages and of differentiation within the rural strata, the measure represented an advance in comparison with the past. But what was the cost of this progress? The land of the poorest and economically most feeble layers of the peasants quickly became the principal object, the prey on which urban banking capital and the village bourgeoisie threw themselves." Lucreţiu Pătrăşcanu, *Sous trois dictatures* (Paris, 1946), p. 106.

47. *60 Sate romînești*, II, 6. The depression doubtless intensified this effect. During the 1946 famine in Moldavia the same thing occurred: peasants who had obtained land under the 1945 reform began to sell to the larger peasants at such a rate that the government was obliged to pass a law nullifying these sales.

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656 rise to the charge that the National Peasants really represented the
665 richer peasants and the village bourgeoisie.[48]
●671 A similar attitude appears in the other principal agrarian measures of the National Peasants; the law for the organization of cooperation, of March 28, 1929, and the law for the organization of rural mortgages and agricultural credit of July 29, 1929. These laws were acclaimed at the time as proof of the government's concern for the peasant, but they need not be considered in great detail here.[49] Laws for credit and cooperation are hardy perennials in Rumanian legislative history, but none of them appears to have accomplished much. These particular laws were quickly blighted by the onset of the depression.

474 The law for the organization of cooperation abrogated the act passed by the Liberal government in July, 1928, which the National Peasants thought gave the state too much control over the cooperative movement. The new code was designed to broaden the legal frame "to offer the cooperatives the freedom of movement which every economic enterprise needs if it is to develop in the present economic world."[50] Notwithstanding this effort to assure greater autonomy and independence, a foreign observer concluded in 1930 that even the new regime had not abandoned the idea that the cooperatives were a government maid of all work.[51] The real difficulty, as has been mentioned before, was that the poor peasant, that is, the average Rumanian, had very little to offer in a cooperative movement. Until the level of the peasantry was raised above the margin of subsistence, the cooperative movement was bound to be a name rather than a reality and to be altogether dependent upon the state for financial support and direction.

452 The law for the organization of rural mortgages and agricultural credit was intended to improve the channels supplying credit to agriculture, which had been seriously undernourished during the Liberal

48. This charge is given some weight when one considers Madgearu's remark, made in 1930: "With farms of medium size, limited to 25 hectares, the agricultural credit granted will be used in a more economical way and will bear fruit in a degree hitherto unknown in our agrarian organization." *Rumania's New Economic Policy*, p. 11. In a country where 75 per cent of all agricultural holdings were under 5 hectares, and 92 per cent under 10 hectares, reference to farms of medium size could have only an extremely limited application.

49. Analyses of the law for the organization of cooperatives may be found in Mitrany, *The Land and the Peasant in Rumania*, pp. 409–411, and in F. E. Manoilou, *La Réconstruction économique et financière de la Roumanie et les partis politiques*, pp. 236–237, and of the law for the reorganization of agricultural credit in Manoilou, pp. 239–243.

50. From the exposé de motifs, cited in Mitrany, *op. cit.*, p. 409.

51. "Rumania: The State as Co-operator," *Yearbook of Agricultural Co-operation, 1930*, pp. 404–428.

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to protect only those industries showing "natural" promise of development and to promote the necessary rationalization of those industries which had been permitted to become inefficient behind the Liberal tariff.

Throughout Madgearu's exposition of the 1929 tariff there is an evident desire to increase international cooperation and trade, and an altogether friendly attitude toward the great capitalist powers—an attitude quite different from Vintilă Brătianu's cautious and rather grudging admission of the need for increased trade and foreign capital. This attitude is most clearly shown in the laws of 1929 modifying the Liberal acts of 1924 on mines and the commercialization of state-owned enterprises.[59] The National Peasants criticized the 1924 laws as chauvinistic and failing to promote the exploitation of natural resources. "The aggressive nationalist policy exemplified in the Mining Act of 1924, which did so much harm to the country, bringing it into a state of financial and economic disorganization, could not continue without grave consequences for our economic future. A policy of sincere co-operation with international capital is the only means of improving the situation." [60] The new laws threw open the doors to foreign capital. With the exception of requiring that 75 per cent of the personnel (both administrative and subordinate) be Rumanians, no restrictions were placed on the percentage of foreign capital in the companies or upon the nationality of directors and chief officials.

These laws were in marked contrast not only to the attitude of the Liberals but also to the policy recommended by Constantin Stere in 1921.[61] Stere, with his hostility to "vagabond capital" and the menace of imperialist great powers, opposed foreign capital investments in the Rumanian petroleum industry, since all profits passed beyond the frontiers. Nor was foreign capital concerned with satisfying the needs of the population but only with raking in a profit. He was, however, aware that without foreign capital the resources simply could not be developed. He disapproved of the Liberals' policy of "nationalizing" petroleum and creating concessions with a majority of Rumanian capital. Having no confidence in the Liberal plutocracy's willingness or ability to defend the nation's interests, Stere advocated state operation of the petroleum industry. Foreign capital

59. A detailed comparison of Liberal and National Peasant policy on this question, from a pro-Liberal position, is given by Alexandre G. Georgesco, *Le Régime juridique et financière des capitaux étrangers en Roumanie* (Paris, 1932).

60. Madgearu, *Rumania's New Economic Policy*, p. 30.

61. C. Stere, *Naţionalizarea Industriei de Petrol: Cuvântare rostită în şedinţa Adunării deputaţilor din 28 Martie 1921* (Bucarest, 1921).

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652 come out against debt relief when the more radical groups, including the irrepressible Dr. Lupu, were demanding a complete moratorium or a cancellation of debts. But if the necessity of relief was admitted, the methods were by no means agreed upon. Banks opposed debt cancellation as ruinous to future credit and as throwing a heavy burden on them. The state proposed relieving the banks of their losses, but this in turn evoked protests from foreign creditors who maintained that increasing the state's indebtedness contravened the loan agreements. The simple fact, of course, was that there was no solution that would hurt no one; against the damage to the credit structure had to be set the obvious inability of the peasant to pay his debts and the certain social dangers of undertaking foreclosures.

671 In April, 1932, the Iorga government passed a law by which debts of all properties under 10 hectares were reduced by half, the remainder to be paid over a period of thirty years at 4 per cent interest. Debts of properties over 10 hectares were to be diminished by the reduction of accumulated interest or by special legal procedure, if 60 per cent of the borrowed capital had been used for agricultural purposes. Although in 1930 Iorga had stated his opposition to assuming charge of the debts of the larger landowners,[18] the law framed by his government was immediately abused by the big owners, who employed it to slough off debts acquired, as it was said, on the green cloth rather than on the green fields.[19] The law also had the effect of increasing the demands of urban and other nonagricultural debtors.

653 671 In October, 1932, the Vaida Voevod government suspended this conversion law and introduced a system of moratoria. To prevent misuse the debtor had to prove that agriculture provided 60 per cent of his total income, that the money borrowed had been for agricultural purposes, and that the debt did not exceed 20,000 lei per hectare of arable land.

This measure, which was largely a delaying action, was supplemented by the law of April, 1933, which abrogated the act of 1932 and granted a five-year moratorium with a 1 per cent interest charge. If the creditor offered a 50 per cent reduction of the debt the moratorium ceased to apply. In this case the remaining 50 per cent was to be paid off in half-yearly installments. Holdings between 10 and

18. *Adeverul*, September 9, 1930, cited in G. C. Logio, *op. cit.*, p. 170.

19. According to Logio, *ibid.*, pp. 170–171, the larger landowners were the most insistent that agricultural debts should be converted and were intended to be the principal beneficiaries. In his opinion the controls exerted over the peasants who took advantage of the law—the prohibition of mortgages and the direction of cultivation—would further undermine their position.

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50 hectares were also granted a five-year moratorium, with the possibility of the creditor offering a 33 per cent reduction in the debt. Holdings of over 50 hectares were granted a six-month moratorium and a possible reduction of 25 per cent of the debt. The debtor, if he wished, was permitted to abandon his holding, retaining one-fifth of it for himself, the remainder to go to meet his debts. The law was an improvement over its predecessor in scaling the provisions in accordance with the size of the holding.

A year later, in April, 1934, the Liberal government passed a new law whereby all agricultural debts without respect to size of property were reduced by 50 per cent, the residue to be paid in 34 half-yearly installments at 3 per cent interest. For payments in advance debtors were to receive a 6 per cent annual reduction on their debts. Debts paid off within two years were to benefit from a 70 per cent reduction of the total, those paid off in five years gained a 60 per cent reduction. While the creditor had a theoretical right to refuse conversion he was obliged to make a formal declaration of the fact and to accept a ten-year moratorium which could be prolonged for an additional five years. This law was more sweeping than its predecessors, especially in its pressure on the creditor, and it did provide the peasant with an incentive for a quick liquidation of his debt.

These laws, for all the political bickering which accompanied them, were a necessary consequence of the crisis and progressively extended the scope of conversion. They were negative measures, however; while they eased the peasants' debt load they in no way improved his basic situation or remedied the condition which had led to his plunging so hopelessly into debt.[20]

Besides reducing peasant debts, the governments of the depression years tried to maintain the price of grain and to secure favorable export markets. As with the other acts of those years, their efforts were hesitant and often inconsistent. During its period in office the Mironescu government had accelerated the National Peasant party's policy of removing the remaining export duties on agricultural products, and in April, 1931, it passed a law for the valorization of

20. Madgearu, while admitting that the Liberal law of 1934 had meant a benefit for all farmers, maintained that the peasant debtor was still in a sufficiently difficult position which excluded him from obtaining the credit necessary to rationalize his cultivation. According to his estimate, peasant credit available after the conversion was only one-seventh of what it had been before. He also pointed out that the peasants as shareholders in the cooperative banks lost 2¾ billion lei through the conversion. *Op. cit.*, p. 84. This, however, would not hit the poorer peasant who never had the funds to invest in the first place.

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652 671 farm products, aimed principally at maintaining the prices in the home market by the reduction of various charges and taxes. The Iorga government, however, at once superseded this measure by inaugurating in July, 1931, an export bounty of 10,000 lei for 10,000 kilograms of wheat and 16,000 lei for flour, the cost to be met by a bread tax. The government, however, discovered that it lacked the funds to carry out this measure and discontinued it in 1932. Moreover, it turned out to be largely for the benefit of the export houses rather than the producers and merely tempted Rumanian exporters to engage in wheat dumping. On the other hand the tax on bread, which was to pay the bount as borne largely by the peasant consumer.[21] In 1933 and 1934 a different method was tried; the last Vaida Voevod cabinet set up a State Cereal Commission by which the government appeared on the market as a consumer to support wheat prices.

Like debt conversion, the price-supporting measures, which were taken up by the various governments in turn, were not the result of any over-all plan but were simply steps to counteract the depression. In fact, in their effect they ran against all plans for agrarian improvement. The parties, in their programs and writings, had all agreed that the future of Rumanian agriculture lay in intensive farming and in persuading the peasant to abandon extensive cereal cultivation for which his small holding was obviously ill-suited. The bounties on wheat had precisely the opposite effect and led to an even greater emphasis upon cereal production. Between 1930 and 1935 the area under wheat showed a definite, if highly irregular, tendency to rise.

439 648 The governments also undertook to obtain more favorable foreign markets. The first effort, under the National Peasants, was by means of collaboration with the other eastern European states in an agrarian bloc. Through the series of conferences in 1930 the agrarian states attempted to create a program of common action to gain preferential treatment from the industrial states for their agricultural products. Although the agrarian bloc pleaded its case at various meetings of the League and at international conferences between 1930 and 1932, it failed to open markets for agriculture. Its requests were opposed by the maritime states and overseas grain producers as contrary to free trade and the most-favored-nation principle. Madgearu, one of the most eloquent spokesmen for the bloc, declared that the agrarian states did not demand permanent preferential treat-

21. Manoilou, *La Reconstruction économique et financière de la Roumanie et les partis politiques*, p. 284.

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439 ing agreements and bilateral trade, again in the effort to find markets.
648 In 1931 a trade convention was made with Germany which reduced its duties on Rumanian maize and barley; in 1932 agreements were reached with France for the export of maize and with Germany for meat.

All these steps, however, were defensive efforts to protect agriculture against the depression. It is less easy to find much evidence of attempts to get at the roots of the agrarian question. The different cabinets passed a variety of laws, some of them transparent vote-catchers, others old favorites which each new Rumanian government seemed to pass as a matter of routine. All the cabinets announced their goal of increasing the use of agricultural machinery: the Mironescu government passed an act reducing the import duties on agricultural equipment by two-thirds, the Iorga government in 1932 and the Liberals at the beginning of 1934 granted credits for the purchase of agricultural machinery. To judge from the figures on the consumption of agricultural equipment the results were very slight, at least until 1934 with the beginning of recovery.

The only apparent effort at overcoming the disadvantages inherent in Rumania's system of strip cultivation was a law for the establishment of agricultural associations passed by the Iorga cabinet in July, [671] 1931. By this law cultivators whose separate properties formed an economic whole could combine to cultivate their land more rationally by the introduction of mechanical cultivation, use of fertilizers, selected seeds, and other technical improvements. Funds required by the associations for this purpose could be obtained through the cooperative and agricultural banks, the state to assume 6 per cent interest on the loans on the condition that the association follow a plan approved by the Ministry of Agriculture. Nothing seems to have come of this law, and a very similar semicollective state-sponsored proposal was attempted by the Antonescu regime a decade later.

In general, 1931–33 were years of steady retreat before the onslaught of the depression. In the course of this retreat a number of economic devices were developed, in Rumania as elsewhere, which were to take on increasing importance in the years to follow. To a considerable extent they had been introduced to protect agriculture, but they were soon to find pleasanter and more lucrative employment.

## THE POST-WAR PERIOD

country to the verge of a catastrophe, proved, however, to be too much for the less experienced hands of Vintila Bratianu. Unable to secure a foreign loan, the need of which had become imperative, he had no choice but to allow the transfer of the reins of power in November, 1928, to the Opposition, represented by M. Maniu and the National Peasant party. The elections which followed took place in freedom, and though this time the minorities did not all vote for the government, nevertheless the latter secured for itself about 78% of the total number of votes cast, which may be taken as an infallible proof of its popularity. This assured it of a compact majority of 348 seats in the Chamber. The Opposition was insignificant, and was composed of sixteen Magyars, thirteen Liberals, and ten seats distributed amongst various groups. This election disposed of the fiction that Communism had a hold on the Rumanian people, for the total Communist vote attained only 35,000 out of a total of 2,840,660, and it thus became evident that the bogey of Bolshevism had been cleverly exploited by the Bratianu dictatorship, in order to justify its terroristic methods in Bessarabia, as well as for the purpose of winning the goodwill of the Western Powers for its alleged attempts to repress it. The most pressing need the Maniu government had to face was the obtention of a foreign loan in order to avoid the certain catastrophe with which the finances of the country were threatened. The funds obtained, however, barely sufficed for stabilizing the currency, and were altogether inadequate for the task of reconstruction, and even for the purpose of paying off the most pressing debts left by the former régime, so that a further loan had to be secured in 1931.

Unfortunately the country was in a derelict condition, and with the banking institutions under the control of its adversaries, determined to undermine the work of the new government, the latter had an exceedingly difficult task to tackle. The government passed several liberal measures, such as the suppression of the censorship, the abrogation of military law in Bessarabia, the reduction of the personnel of the gendarmerie (chiefly employed by Bratianu for dragooning the population at election times), and set about

671 preparing a system of regional decentralization which would largely have satisfied the desires of the minorities.

662 Having to rely upon an inefficient administrative staff, with the various autonomous State departments still filled with supporters of the Opposition, and the latter hampering and undermining the government's attempt to clear up the mess in which the country had been left, it was hardly possible to expect that the government of M. Maniu could effect the miraculous change that was expected of it. In order to counteract the underhand machinations of its Liberal opponents, who did not scruple even to sap its credit
642 abroad by circulating scurrilous attacks on it among foreign
643 banking institutions, while at home they brought pressure
661 to bear on the Regency (which had been elected at their dictation) to create irritating hindrances to the smooth working of the government's plans, the latter at last allowed itself to be won over to what at the time was a fairly popular view, namely that of permitting the former Crown Prince Carol to return and ascend the throne. His advent was reckoned as likely to strengthen the hands of the Government, for he shared with the National Peasant Party the hostility of the Bratianus. Carol II, however, after his accession to the throne on June 8th, 1930, began to manifest a distinct predilection for autocratic measures. He arbitrarily removed from his post the able Rumanian Minister in Paris, M. Diamandi, a man who had distinguished himself for years by his devoted and brilliant service to his country, and nominated a personal friend whose sole qualification for this important diplomatic post was that he was a racing man. He estranged both M. M. Maniu and Vaida-Voevod by unconstitutionally interfering in the government, and thereby provoked the resignation of both. As he did not yet feel himself strong enough to dissolve the Chamber he allowed the National Peasant Party to form another Cabinet with M. Mironescu at its head, but he imposed on them as colleague an outsider in the person of M. Manoilescu, another personal friend of his. An attempt was made to form a Coalition Cabinet to be presided over by M. Titulescu, but as this failed the Mironescu Cabinet was tolerated for a time because it was conducting negotiations for a loan, and a premature

691 tice could not comprehend this 'artist of the grand style,' who obviously stood above common-place regulations!"

671 Disrespect for the law is pretty general in high circles in Rumania, for there are two weights and measures, and it is only the lowly who are made to feel the heavy hand of the law when it strikes them. This is due to the reciprocal toleration among the political parties of legal infractions which "de facto" have abrogated ministerial responsibility.

In fact peculation and misappropriation of funds are considered as mere peccadilloes. Interference in this practice is strongly resented, thus, in 1927, when one of the regents, the Patriarch Miron Christea, evinced a desire to investigate into the stewardship of the Minister of the Interior, strongly suspected of having misappropriated several million lei, he was severely reproved and given to understand that it was no business of his.

Commenting on the utter disregard of law by politicians, the "Argus" of March 3rd, 1929, wrote:—

"A real new era, a true revolution in our spirit and our customs as well as in our public life will dawn only on the day when penal responsibility for illegalities, abuses and frauds committed by our rulers will be enforced as provided in the Constitution and the special law of 1879. The threat of penalties will constitute the most effective check on the abusive use of authority and the personal dishonesty of partisans."

As a check to the frauds perpetrated, a bill was submitted to the Chamber in April, 1932 providing for the control of fortunes of functionaries and other State dignitaries. Fears were expressed in the Press, however, that such a bill would never be passed and that eventually it would either be emasculated by the Chamber, or rejected by the Senate. The inspirer of this proposal was M. Mihalache; his party, however, had showed no haste to pass such a bill into law while it was in office.

000 In such an environment, integrity and good faith are finally discarded, for they are taken as tokens of mental dullness, while such respect as may still subsist is transformed into servility. The absence of higher spiritual ideals leads to a craving for more material enjoyments and the latter to an

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659 to intervene to secure the appointment of clergymen, but re-
648 quested that it be informed in each instance. These laws were
794 modified under the rule of the Iron Front, in order to make
793 possible the persecution of the Jews. Christian communions appear, however, not to have been affected.

659 When a pro-Communist government was formed in Ru-
177 mania, the situation changed immediately and radically. The
671 laws adopted in 1928 were repealed by a decree of August 4, 1948. As usual in Soviet-inspired constitutions, freedom of conscience, of religion, and of worship was assured. Freedom was conceded to all creeds to organize and conduct their own ecclesiastical endeavors so long as they did nothing to jeopardize "public security and public order." The last proviso was, as always, the Trojan horse by means of which the conquerors would enter the citadel. For what were public security and order? The government reserved the right to determine; and in this case the "government" was and could only be the local soviet under which a poor cleric was to live and move and have his being. As a matter of fact, the system under which the Rumanian Communist Party functioned was simplicity itself. The list of electors registered in 1946 was kept up to date by striking off the names of all who had in some manner or other manifested hostility to the "people." The possessor of a name thus purged might retain the right to worship wherever he pleased, but was of course deprived of any opportunity to draw a salary from the State or to hold a position of public trust.

671 Indeed, the law went much further. Article 25 provided that
793
659 the Ministry of Religious Affairs shall suspend any decision, instruction, or directive, as well as any order having an ecclesiastical character, whether administrative, cultural, educational, or caritative, or pertaining to endowments, if it is not in keeping with the status of the denomination in the act by which it has been established, or is inimical to public security, public order or morals. Pastoral and circular letters

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shall be communicated in advance of publication to the Ministry of Religious Affairs.

While thus making apparent that the Church was deprived of all liberty of action in areas of moral judgment concerning actions taken by the public authority, the law further stipulated that the salaries of "clergymen and officers of the religious denominations" would be paid in accordance with the regulations governing the civil service. In this fashion it was determined that all clergymen, on the one hand, had the rights accorded to the civil service but, on the other, assumed corresponding obligations—among them an oath of allegiance to the national Constitution.

Subsequently, on August 12, 1950, a decree dealing with the security of the State imposed the death penalty for the following offenses: treason to the nation; rendering "service to the enemy, or causing prejudice to the power of the state"; and procuring or transmitting state secrets to a foreign or an enemy power. The decree was directed primarily against the dignitaries of the Roman Catholic Church, because they were in communion with Rome. On July 6, 1950, another decree had provided a basis for expelling from Rumania the Papal Nuncio, Archbishop O'Hara, and his two assistants, Monsignor Kirk and Monsignor Del Mesti. Most of the Rumanian members of the Nuncio's staff were sentenced to imprisonment. Therewith an initial climax was reached in two years of fierce attack on the Churches and on the Roman Catholic Church in particular.

At this point a more detailed review of the religious situation in Rumania may help to clarify what has happened. Prior to the outbreak of the Second World War, the 70 per cent of Rumanians adhering to the Orthodox Church were affiliated with the Patriarchate of Constantinople but enjoyed ecclesiastical autonomy. This Church, directed by a Holy Synod pre-